

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
Plaintiff,	:	Criminal Action
	:	No. 12-182
v.	:	
	:	
FLOYD LEE CORKINS, II,	:	February 6, 2013
	:	9:30 a.m.
	:	
	:	
Defendant.	:	Washington, D.C.
	:	
.....	:	

TRANSCRIPT OF CHANGE OF PLEA PROCEEDINGS  
BEFORE THE HONORABLE RICHARD W. ROBERTS,  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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Proceedings reported by machine shorthand, transcript produced  
by computer-aided transcription.

1 MORNING SESSION, FEBRUARY 6, 2013

2 (9:35 a.m.)

3 THE COURTROOM CLERK: Your Honor, this morning this is the  
4 matter of the *United States versus Floyd Corkins II*. This is  
5 Criminal Record 12-182.

6 I would ask the parties to step forward and identify  
7 themselves for the record.

8 MR. MARTIN: Good morning, Your Honor. Patrick Martin and  
9 Ann Petalas for the United States.

10 THE COURT: Good morning.

11 ALL PARTIES PRESENT: Good morning.

12 MR. BOS: Good morning, Your Honor. David Bos on behalf  
13 of Mr. Corkins who's present.

14 THE COURT: Mr. Martin, I have before me now the plea  
15 agreement that's marked as Court's Exhibit 3. Can you tell me if  
16 there have been any changes made to it since the copy I think we  
17 got yesterday reflecting the latest changes? Have any other  
18 changes been made?

19 MR. MARTIN: No, Your Honor, not since yesterday, I think  
20 around 1:00.

21 THE COURT: All right. Same thing with respect to the  
22 statement of the offense, any other changes made?

23 MR. MARTIN: There has been one change to the statement of  
24 offense that was sent out around 6 p.m. last night. The e-mail,  
25 if you turn to page 8, Your Honor, the last full paragraph under

1 the title, "Other evidence relevant to the defendant's intent,"  
2 we did insert in that first sentence after the word "kill" the  
3 following phrase, "and attempted murder are."

4 THE COURT: We got that one.

5 MR. MARTIN: Thank you, Your Honor.

6 THE COURT: Any ones after that one?

7 MR. MARTIN: No, Your Honor.

8 THE COURT: All right. Thank you.

9 MR. BOS: Your Honor, if I could just add, as the Court  
10 can see from the plea agreement and the statement of offense --  
11 actually the plea agreement is dated December 6th -- there were  
12 minor modifications that were made last night.

13 Mr. Corkins has reviewed the modifications this morning  
14 and has signed and dated the plea agreement as to today. He has  
15 reviewed the plea agreement many, many times, but there's going  
16 to be a discrepancy as far as the date of the plea agreement and  
17 the date of his signature, but I wanted to make sure the record  
18 is clear that we did review all of the modifications that were  
19 done yesterday and last night with Mr. Corkins.

20 THE COURT: All right. Well, I understand that  
21 Mr. Corkins is proposing to enter a plea of guilty to several  
22 counts; is that correct?

23 MR. BOS: That's correct, Your Honor.

24 THE COURT: Mr. Corkins, would you come forward and stand  
25 beside your lawyer. And Mr. Smith, would you administer the oath

1 to Mr. Corkins.

2 (FLOYD CORKINS, DEFENDANT IN THE CASE, SWORN.)

3 THE COURT: Good morning, sir.

4 THE DEFENDANT: Good morning.

5 THE COURT: Mr. Corkins, you're now under oath. If you do  
6 not answer my questions truthfully, you could be prosecuted for  
7 perjury or for making a false statement. Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: And let me ask you to do me a favor and get as  
10 close to the microphone as you can so that I can hear all of your  
11 answers and they can be properly recorded.

12 THE DEFENDANT: All right.

13 THE COURT: All right. Thank you.

14 The purpose of this hearing is for you to make a decision  
15 whether you want to go to trial on the charges that have been  
16 filed against you or whether you want to enter a plea of guilty.  
17 In order to make such an important decision, it's vital that you  
18 understand everything that's going on and everything that I will  
19 be explaining to you.

20 So, if you don't understand something at any point, please  
21 let me know that and I'll try to explain it to you in a clearer  
22 fashion. I'll also let you talk with your lawyer at any time  
23 about what we are discussing. So, will you promise to let me  
24 know if there's anything that you don't understand?

25 THE DEFENDANT: Yes.

1 THE COURT: How old are you now, sir?

2 THE DEFENDANT: Twenty-eight.

3 THE COURT: Can you read and write?

4 THE DEFENDANT: Yes.

5 THE COURT: How far did you go in school?

6 THE DEFENDANT: Five years of college.

7 THE COURT: And where were you born?

8 THE DEFENDANT: Peru, Indiana.

9 THE COURT: Mr. Corkins, have you taken any alcohol or  
10 drugs in the last 48 hours or any medicine that could affect your  
11 ability to understand what you are doing by proposing to plead  
12 guilty?

13 THE DEFENDANT: No.

14 THE COURT: Have you ever received any treatment for any  
15 type of mental illness or emotional disturbance or for addiction  
16 to narcotic drugs of any kind?

17 THE DEFENDANT: Yes.

18 THE COURT: How recently?

19 THE DEFENDANT: Um, I'm receiving it currently at the  
20 jail.

21 THE COURT: All right. What are you receiving?

22 THE DEFENDANT: Mental health.

23 THE COURT: Is that accompanied by any medication?

24 THE DEFENDANT: Yes.

25 THE COURT: What medicine are you taking?

1 THE DEFENDANT: Zoloft and Haldol.

2 THE COURT: And for what condition is that?

3 THE DEFENDANT: Severe depression.

4 THE COURT: How does that medicine make you feel when you  
5 take it?

6 THE DEFENDANT: A little drowsy.

7 THE COURT: When is the last time you took it?

8 THE DEFENDANT: Last night.

9 THE COURT: What impact has it had on you this morning?

10 THE DEFENDANT: None.

11 THE COURT: Have you been able to see and hear and  
12 understand everything that's gone on so far?

13 THE DEFENDANT: Yes.

14 THE COURT: Are you feeling up to proceeding today with  
15 this proceeding?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. Does either counsel know of any  
18 reason why Mr. Corkins might not be capable and competent today  
19 of proceeding with this proceeding?

20 MR. BOS: No, Your Honor.

21 MR. MARTIN: Not for the government, Your Honor.

22 THE COURT: All right. Well, I do find that Mr. Corkins  
23 appears to be alert and he's been responsive. His answers have  
24 been cogent, he seems to be competent and capable of proceeding  
25 today, and I will go ahead and proceed with this matter.

1 Mr. Corkins, have you received a copy of the indictment  
2 pending against you containing the written charges in this case?

3 THE DEFENDANT: Yes.

4 THE COURT: Have you read the indictment?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you understand the charges in it?

7 THE DEFENDANT: Yes.

8 THE COURT: Have you fully discussed the charges and this  
9 case in general with your lawyer?

10 THE DEFENDANT: Yes.

11 THE COURT: Are you completely satisfied with the services  
12 of your lawyer in this case?

13 THE DEFENDANT: Yes.

14 THE COURT: And have you had enough time to talk with him  
15 about this case?

16 THE DEFENDANT: Yes.

17 THE COURT: Have you had enough time to talk with him  
18 about the government's plea offer and whether or not you should  
19 accept it?

20 THE DEFENDANT: Yes.

21 THE COURT: You're charged with multiple counts in a  
22 superseding indictment. In Count 1, the charge is that on August  
23 15th, last year, you did transport a firearm and ammunition from  
24 Virginia to the District of Columbia with an intent to commit  
25 murder. Count 2 charges that on August 15th, last year, here in

1 D.C., while you were armed with a pistol, you assaulted Leonardo  
2 Johnson with an intent to kill him and other employees of the  
3 Family Research Council.

4 Count 4 charges that on August 15th of last year, here in  
5 D.C., while you were armed with a pistol, you committed assault  
6 with the intent to kill Leonardo Johnson with the intent to  
7 intimidate and coerce a significant portion of the civilian  
8 population of D.C. and the United States.

9 If the government were to take you to trial on those  
10 charges, the government would be required to prove each and every  
11 essential element of all of those charges beyond a reasonable  
12 doubt. With respect to the first count, that would include  
13 proof, first, that you shipped, transported, or received a  
14 firearm or ammunition in Interstate Commerce, and that you had  
15 the intent to commit a felony with it or had the knowledge or  
16 reasonable cause to believe that a felony was to be committed  
17 with it.

18 With regard to the second charge I read to you, that would  
19 require proof that, first, you with force or violence injured or  
20 attempted to injure another person; second, that you did so  
21 voluntarily, on purpose, and not by mistake or accident; third,  
22 that at the time of the offense you intended to kill a person;  
23 and fourth, that at the time of the offense you were armed with a  
24 firearm.

25 Proof of the third charge I read to you, which was Count

1 4, would have to be, first, that you committed an assault with an  
2 intent to kill; second, that when you committed the offense you  
3 intended to intimidate or coerce a significant portion of the  
4 civilian population of the District of Columbia or the U.S.; and  
5 third, that at the time of the offense you were armed with a  
6 firearm.

7 Now, Mr. Corkins, I'm going to ask the prosecutor to tell  
8 you and to tell me what happened in this case, and I want you to  
9 listen very carefully to everything that he says, because when  
10 he's finished I'm going to ask you if everything that he has said  
11 is completely true and accurate. If there is anything that he  
12 says that's not completely true or accurate, I'll need you to  
13 tell me that after he's finished. So, will you promise to listen  
14 very carefully to everything that he says and let me know if  
15 there's anything that he says that's not completely true or  
16 accurate?

17 THE DEFENDANT: Yes.

18 THE COURT: Thank you. You may have a seat. Counsel,  
19 what would the government's evidence show if this case went to  
20 trial?

21 MR. MARTIN: Your Honor, one point of clarification. On  
22 Count 4 the government is requiring Mr. Corkins to plead in the  
23 conjunctive in the sense that we're asking him to plead not only  
24 that he committed an act of terrorism, an offense that is an  
25 intent to kill Leonardo Johnson but also that he attempted to

1 murder others at the Family Research Council, and the paperwork  
2 tracks that, both in terms of the plea agreement, but also in the  
3 statement of offense, but I wanted to make sure I clarified that  
4 for the Court.

5 THE COURT: I guess the clarification, you're saying, is  
6 that the plea agreement requires a plea in the conjunctive?

7 MR. MARTIN: Correct.

8 THE COURT: Although for satisfying the factual basis, the  
9 facts can be shown in the disjunctive.

10 MR. MARTIN: That's correct, Your Honor.

11 THE COURT: Go ahead.

12 MR. MARTIN: Your Honor, had this case gone to trial, the  
13 United States would have proven beyond a reasonable doubt that on  
14 August 15th, 2012, the defendant, Floyd Lee Corkins II,  
15 hereinafter Corkins or the defendant, armed with a loaded  
16 semiautomatic pistol he had purchased in Virginia, two additional  
17 magazines and a box of ammunition, traveled from Virginia to the  
18 office headquarters of the Family Research Council, the FRC, in  
19 Washington, D.C. intending to shoot and kill as many employees of  
20 the organization that he could. The FRC is a nationally  
21 recognized conservative lobbying group that, according to its own  
22 mission statement, quote, "shapes the public debate and  
23 formulates public policies that values human life and upholds the  
24 institutions of marriage and the family," end quote. Among other  
25 things, the FRC advocates against governmental recognition of gay

1 marriage.

2           When the defendant arrived at the FRC, Leonardo Johnson, a  
3 building manager and unarmed security guard seated at the  
4 receptionist desk in the first floor lobby, asked to see the  
5 defendant's identification. Corkins reached into his backpack,  
6 pulled out the handgun, and pointed it at Johnson. Johnson  
7 charged Corkins and a struggle ensued during which Corkins shot  
8 Johnson in the arm.

9           Despite the serious gunshot injury he sustained, Johnson  
10 managed to wrestle the gun away from Corkins and then subdued him  
11 at gunpoint until members of the D.C. Metropolitan Police  
12 Department, MPD, arrived.

13           While on the scene, Corkins told Johnson in sum and  
14 substance that, quote, "it was not about you --" that is  
15 Johnson "-- but about the FRC and its policies.

16           The shooting. On the morning of August 15th, 2012, the  
17 defendant drove his family's car from Herndon, Virginia to the  
18 East Falls Church Metro Station and took Metro rail into the  
19 District of Columbia with the intent of committing the shooting.

20           After getting off the train at the Gallery Place Metro  
21 shop -- excuse me -- stop, he loaded a Sig Sauer P229  
22 semiautomatic pistol he had purchased in Virginia six days  
23 earlier and walked to the FRC's headquarters located at 801  
24 G Street, Northwest, Washington, D.C.

25           At approximately 10: 46 a.m., the defendant arrived in

1 front of the FRC's secured front door. To gain access to the  
2 building, he falsely told Johnson who was manning the lobby's  
3 reception desk at the time that he was there for an interview as  
4 a prospective intern. Upon gaining entry, the defendant  
5 approached the receptionist desk and Johnson and shortly  
6 thereafter attempted to shoot and kill him. Three FRC security  
7 cameras captured the shooting incident almost in its entirety.  
8 An exterior FRC security camera captured Corkins entering the  
9 front door of the FRC. A second camera positioned inside on the  
10 lobby captured Corkins approaching the front reception desk  
11 behind which Johnson was seated. The two men engaged in a brief  
12 verbal exchange while Corkins stood directly in front of the  
13 waist high desk.

14 After Johnson asked to see the defendant's identification,  
15 Corkins unshouldered his backpack, set it down on the floor in  
16 front of the desk and bent down to retrieve something from inside  
17 it. Meanwhile Johnson stood up and moved to one side of the  
18 desk. Shortly thereafter, Corkins stood back up and leveled his  
19 pistol at Johnson's head/upper body prompting Johnson to duck and  
20 then lung for Corkins and the gun. Before Corkins could fire an  
21 initial shot, Johnson grabbed Corkins and the two men struggled.  
22 During the struggle Corkins fired his pistol three times, one  
23 shot of which struck Johnson in the left foreman area.

24 Despite the gunshot wound and Corkins's subsequent  
25 discharges of the gun, Johnson succeeded over the course of the

1 next 15 to 20 seconds in disarming Corkins and forcing him to the  
2 ground and onto his belly.

3 Johnson then stood over Corkins, subduing him with the  
4 weapon. Around the same time, Corkins stated to Johnson in sum  
5 and substance, quote, "it's not about you," end quote, it's about  
6 the FRC and its policies.

7 Moments later another FRC employee in the lobby area at  
8 the time of the shooting used the front receptionist desk phone  
9 to call 9-1-1.

10 A third camera captured this employee's movements during  
11 the shooting incident. After hearing the first shot, the  
12 employees scrambled to the floor and remained there to escape  
13 physical harm until Johnson had he effectively subdued Corkins.  
14 MPD officers in the vicinity responded to FRC to find Johnson  
15 still holding Corkins at gunpoint. The MPD officers subsequently  
16 handcuffed and frisked Johnson on the scene.

17 In a search of his person, the MPD officers discovered two  
18 fully loaded magazine clips, 15 rounds each, in one of Corkins's  
19 front pant's pockets as well as a Metro card and a handwritten  
20 list. The handwritten list contained the name of four  
21 organizations beginning with the FRC and its D.C. street address,  
22 as well as the address for the Blue Ridge arsenal in Virginia  
23 where Corkins had purchased the gun and other implements  
24 described more fully below.

25 Each of the four listed organizations are nationally

1 recognized advocacy groups that openly identify themselves as  
2 having socially conservative agendas supporting, among other  
3 things, legislation defining, quote, "marriage," end quote, as a  
4 relationship between one man and one woman, and generally against  
5 legislation that would promote gay marriage.

6 While on the scene, various MPD officers also overheard  
7 Corkins make several statements, the sum and substance of which  
8 included, quote, "I don't like the organization and what it  
9 stands for," end quote, and, quote, "I don't like these people  
10 and I don't like what they stand for," end quote.

11 After securing the scene, MPD officers transported Corkins  
12 to the Federal Bureau of Investigation's Washington field office,  
13 FBI's WFO, to be processed for arrest and interviewed.

14 Simultaneously, Johnson was taken by ambulance to Howard  
15 University Hospital's emergency room to treat his gunshot wound.

16 Johnson suffered a serious gunshot wound. After being  
17 shot and subduing Corkins, Johnson experienced intense pain while  
18 waiting for emergency medical personnel to arrive on the scene.

19 After being transported to the hospital, he underwent  
20 emergency surgery to treat multiple comminuted fractures of his  
21 left radius and ulna. The two main bones in Johnson's left  
22 forearm were effectively splintered or crushed in multiple  
23 places.

24 To treat these injuries, a surgeon inserted two metal  
25 plates into Johnson's left foreman to allow the shattered bones

1 to heal. The gunshot caused Johnson to suffer soft tissue  
2 injuries, and numerous bullet fragments remain in Johnson's arms  
3 permanently, as it was impractical to remove each and every one  
4 of them during surgery. Johnson remained in the hospital for  
5 approximately a week. Johnson's arm remained in a cast for  
6 several months and he was unable to work during this time.

7           Depending on how his bones heal, Johnson may have to  
8 undergo a bone graft. He is currently under going physical  
9 therapy.

10           MPD officers also called for the MPD's bomb unit to  
11 inspect Corkins's backpack still on the scene.

12           An MPD bomb technician physically examined the bag and its  
13 contents and found, among other items, a box of 50 rounds of .9  
14 millimeter ammunition that was compatible for use in the  
15 semiautomatic pistol and 15 individually wrapped Chick-fil-A  
16 chicken sandwiches. MPD officers also recovered three spent .9  
17 millimeter cartridge casings from the crime scene.

18           The defendant's post-arrest statements.

19           At the FBI's WFO, two FBI agents booked Corkins and asked  
20 him a number of, quote, public safety questions. Afterwards,  
21 Corkins was advised of and waived his *Miranda* rights and gave a  
22 videotaped statement to two other FBI statements. In his  
23 statement Corkins provided a clear and detailed account of the  
24 facts and circumstances relevant to the shooting incident,  
25 including acknowledging that he intended to enter the FRC that

1 day to kill as many people as possible and smother Chick-fil-A  
2 sandwiches in their faces; two, he intended to kill, the quote,  
3 guard, end quote, who confronted him in the lobby; that is,  
4 Johnson; and three, he had taken substantial steps in the  
5 preceding week in furtherance of carrying out the crimes.

6 Among other things, Corkins made the following statements  
7 in some and substance: The night before the shooting he loaded  
8 three magazines with the plan to go to the FRC the next day and  
9 basically open fire. The night before the shooting he received  
10 firearms training from the Blue Ridge Arsenal in Chantilly,  
11 Virginia where he had purchased the gun the week before. The day  
12 before the shooting, he went to Chick-fil-A and purchased 15  
13 chicken sandwiches with the intent of smearing them in the faces  
14 of the shooting victims, quote, to make a statement against the  
15 people who work in that building and with their stance against  
16 gay rights and Chick-fil-A. They endorsed Chick-fil-A, and also  
17 Chick-fil-A came out against gay marriage, so I was going to use  
18 that as a statement, end quote.

19 Once inside the FRC on the day of the shooting, he pulled  
20 the gun on the, quote, guard, end quote, grappled with him, and  
21 in the course of doing so he intentionally discharged the gun  
22 multiple times. The shooting was not an accident. He pointed  
23 the gun at the guard, and that he intended to shoot and kill the  
24 guard, and then go upstairs and shoot and kill, quote, as many  
25 people as he could, end quote. He was a political activist and

1 considered the FRC a lobbying group. He committed the shooting  
2 for political reasons. He identified the FRC as an anti-gay  
3 organization on the Southern Poverty Law Center Website. He had  
4 been thinking about perpetrator similar violence for years, but  
5 just never went through with it. He purchased the gun the Friday  
6 before the shooting from Blue Ridge Arsenal. He converted the  
7 pistol from a .20 caliber to a .9-millimeter pistol to, quote, be  
8 more effective, end quote.

9 If the police had not responded and caught him at the FRC,  
10 he planned to go directly to the second organization on his list  
11 and perpetrate a similar shooting there. He surveilled the FRC  
12 two days before the shooting. He initially wanted to make a bomb  
13 but did not have the patience to do it.

14 Consistent with Corkins's statement, the FBI's subsequent  
15 investigation confirmed that the defendant did not act  
16 impulsively in committing the shooting. Rather, in the week  
17 before the shooting, the defendant methodically planned it by,  
18 one, purchasing the firearm; two, researching and surveilling his  
19 intended targets; three, receiving firearms training; and four,  
20 purchasing and employing other implements of the crime.

21 The gun purchased. On Thursday, August 9th, 2012, Corkins  
22 went to the Blue Ridge Arsenal in Chantilly, Virginia to purchase  
23 a firearm. He looked at different pistols and ultimately decided  
24 to purchase the Sig Sauer P229 semiautomatic pistol which he had  
25 converted from a .22 caliber to a .9-millimeter firearm -- excuse

1 me, which he had converted from a .22 caliber to a .9-millimeter  
2 firearm.

3 While there, a French television correspondent and her  
4 camera crew doing a piece on the ease with which firearms can be  
5 purchased in the United States filmed Corkins holding and  
6 pointing the P229 pistol as well as identifying it by make and  
7 model to the correspondent.

8 Corkins left and returned the next day, Friday, August  
9 10th, to pick up the pistol.

10 The selection and surveillance of the FRC and other  
11 targets. Consistent with his statement to the FBI, a subsequent  
12 search of Corkins's family computer revealed that on the  
13 afternoon of Sunday, August 12th, Corkins used the computer to  
14 visit the Southern Poverty Law Center's Website, as well as the  
15 Websites for the FRC and the second organization on his  
16 handwritten list.

17 The FBI later recovered from Corkins's home several  
18 printed MapQuest and Google maps dated August 12th, 2012 for  
19 direction to the FRC and the second organization, as well as the  
20 pad of stationery paper used by Corkins to create his handwritten  
21 list of targets.

22 On the afternoon of Monday, August 13th, Corkins rehearsed  
23 his planned trip to the FRC. He drove his parent's car to the  
24 East Falls Church Metro stop, boarded the Metro stop for Downtown  
25 D.C., got off at the Gallery Place Metro stop, and walked to the

1 FRC. Corkins went to the door of the FRC that afternoon, claimed  
2 to be there to meet someone and giving the lobby receptionist,  
3 another FRC employee, a fictitious name.

4 The FRC employee allowed Corkins access to the lobby area  
5 but told him that there was no one in the building by that name  
6 after checking the employee directory. Corkins then left the  
7 building.

8 Obtaining other implements of the planned crimes at  
9 Chick-fil-A and Kmart.

10 On the afternoon of Tuesday, August 14th, Corkins went to  
11 a Chick-fil-A in Virginia to purchase the 15 chicken sandwiches.  
12 The FBI later recovered from Chick-fil-A a day and time-stamped  
13 video and a store receipt of Corkins's purchase that afternoon.  
14 Shortly after visiting the Chick-fil-A, Corkins went to a nearby  
15 Kmart in Virginia and purchased the black backpack he used in  
16 carrying out the offense. The FBI later recovered from Kmart a  
17 time-stamped video and a store receipt of Corkins's purchase that  
18 afternoon.

19 The firearms training. On Tuesday evening, August 14th,  
20 Corkins received approximately two hours of firearm training with  
21 his newly acquired pistol at Blue Ridge Arsenal. The FBI later  
22 recovered from Blue Ridge Arsenal a videotaped recording of  
23 Corkins engaged in shooting practice at the range that evening.

24 Other evidence relevant to the defendant's intent.  
25 Pursuant to 22 D.C. Code Section 3151 et seq., assault with

1 intent to kill and attempted murder are enumerated, quote, acts  
2 of terrorism, end quote, if committed with the requisite intent.

3 On August 15th, 2012, the defendant assaulted Johnson and  
4 the FRC with the intent to intimidate or coerce a significant  
5 portion of the civilian population of the District of Columbia  
6 and/or the United States, namely, any and all individuals  
7 associated with or supporting the FRC, like-minded organizations,  
8 or otherwise holding beliefs contrary to or advocating against  
9 gay marriage.

10 THE COURT: All right. Thank you. Mr. Corkins, would you  
11 and your lawyer come back up to the podium?

12 MR. MARTIN: Your Honor, would you have a Kleenex or --  
13 I made a little bit of a mess.

14 THE COURT: I'm sorry, what?

15 MR. MARTIN: Would you have a Kleenex?

16 THE COURT: Do you need more time? Is that enough?

17 MR. BOS: We're all set, Your Honor.

18 THE COURT: Okay. Mr. Corkins, is what the prosecutor  
19 just said a true and accurate description of what you did in this  
20 case?

21 THE DEFENDANT: Yes.

22 THE COURT: Is it true that on that day you brought a  
23 loaded pistol from Virginia into Washington, D.C.?

24 THE DEFENDANT: Yes.

25 THE COURT: And you were going to use it to try to kill

1 people?

2 THE DEFENDANT: Yes.

3 THE COURT: Did you shoot the guard at the Family Research  
4 Council?

5 THE DEFENDANT: Yes.

6 THE COURT: And you were trying to kill him?

7 THE DEFENDANT: Yes.

8 THE COURT: And did you want to go in and shoot other  
9 people there, too?

10 THE DEFENDANT: Yes.

11 THE COURT: Was that to make a statement against all the  
12 people there and elsewhere who opposed gay rights?

13 THE DEFENDANT: Yes.

14 THE COURT: You wanted to intimidate them?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. Mr. Corkins, I want to explain to  
17 you certain rights that you have in this matter. I want to find  
18 out whether you understand these rights, so please listen  
19 carefully to what I tell you and to my questions and be sure and  
20 let me know if there's anything that you do not understand. Will  
21 you promise to do that?

22 THE DEFENDANT: Yes.

23 THE COURT: You have a right to be represented by a lawyer  
24 at every stage of this case, and, if necessary, to have the Court  
25 appoint a lawyer for you as we have done already. Do you

1 understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: You have a right to maintain your previously  
4 entered plea of not guilty to the charges against you. Do you  
5 understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: You would have a right to file motions making  
8 legal challenges to the government's case against you. For  
9 example, you could seek to have the charges dismissed or have  
10 evidence against you suppressed or thrown out. Do you understand  
11 that?

12 THE DEFENDANT: Yes.

13 THE COURT: You have the right to have a jury trial in  
14 this case. That means that 12 citizens of the District of  
15 Columbia would sit in a courtroom and determine whether you were  
16 guilty or not guilty based upon evidence presented in a  
17 courtroom. Do you understand your right to a jury trial?

18 THE DEFENDANT: Yes.

19 THE COURT: If you choose to go to trial, you have a right  
20 to be represented by your lawyer at that trial. Do you  
21 understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: At a trial, you would have the right to have  
24 your lawyer confront and cross-examine any witnesses who testify  
25 against you. Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: You would have the right to present your own  
3 witnesses and you would have the right to subpoena them to  
4 require them to testify in your defense. Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: At a trial, you would have the right to  
7 testify and present evidence on your behalf if you wanted to, but  
8 you would not be required to testify or to present any evidence  
9 if you did not want to. That's because you cannot be forced to  
10 incriminate yourself. That means you cannot be forced to present  
11 evidence of your own guilt. Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: If you chose not to testify or put on any  
14 evidence, those choices could not be used against you. Do you  
15 understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: Sorry?

18 THE DEFENDANT: Yes.

19 THE COURT: At a trial, you would be presumed by the law  
20 to be innocent just as you are now. That's because it is the  
21 government's burden to prove your guilt beyond a reasonable  
22 doubt, and until it does that, you cannot be convicted at any  
23 trial. Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: If you went to trial and you were convicted,

1 you would have a right to appeal your conviction to the Court of  
2 Appeals and to have a lawyer help you prepare your appeal. You  
3 understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you know what I mean by your right to  
6 appeal?

7 THE DEFENDANT: Yes.

8 THE COURT: Did you want to ask me or ask your lawyer  
9 about that?

10 (Discussion had off the record between attorney and  
11 client.)

12 THE DEFENDANT: Okay.

13 THE COURT: Have you had enough time to talk with your  
14 lawyer about that question?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you understand now what I mean by your  
17 right to appeal?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. If you plead guilty, you would be  
20 generally giving up your rights to appeal. Do you understand  
21 that?

22 THE DEFENDANT: Yes.

23 THE COURT: There are exceptions to that. You can appeal  
24 your conviction after a guilty plea if you believe that your  
25 guilty plea was somehow unlawful or involuntary or if there is

1 some other fundamental defect in these guilty plea proceedings.  
2 You may also have a right to appeal your sentence if you think  
3 the sentence is illegal. Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: Now, if you plead guilty in this case and I  
6 accept your guilty plea, you will give up all of the rights I  
7 just explained to you, aside from the exceptions that I  
8 mentioned, because there won't be any trial and there probably  
9 will be no appeal. Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you want to give up your right to a trial?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you want to give up all of the rights that  
14 I've explained that you would have if your case went to trial?

15 THE DEFENDANT: Yes.

16 THE COURT: And do you want to give up most of your rights  
17 to an appeal?

18 THE DEFENDANT: Yes.

19 THE COURT: I have before me what's marked as Court's  
20 Exhibit 1, a waiver of trial by jury, that purports to bear your  
21 signature above the line marked defendant. I'm holding this  
22 exhibit up in front of you now. Can you see this waiver?

23 THE DEFENDANT: Yes.

24 THE COURT: My finger is pointing to a signature above the  
25 line marked defendant. Do you see that your signature?

1 THE DEFENDANT: Yes.

2 THE COURT: Is that your signature?

3 THE DEFENDANT: Yes.

4 THE COURT: Did you sign your name to this waiver of trial  
5 by jury?

6 THE DEFENDANT: Yes.

7 THE COURT: When you signed it, did you realize that by  
8 signing it you will be giving up your right to go to trial in  
9 front of a jury?

10 THE DEFENDANT: Yes.

11 THE COURT: Did you mean to give up your right to a jury  
12 trial by signing this waiver?

13 THE DEFENDANT: Yes.

14 THE COURT: Did you discuss with your lawyer giving up  
15 that right before you signed this waiver?

16 THE DEFENDANT: Yes.

17 THE COURT: Does either counsel know of any reason why the  
18 defendant should not waive his right to a jury trial?

19 MR. BOS: No, Your Honor.

20 MR. MARTIN: No, Your Honor.

21 THE COURT: All right. I find that this waiver is  
22 knowingly and voluntarily made and I will accept it. Today is  
23 the 6th? What's today's date?

24 THE COURTROOM CLERK: 6th, Your Honor.

25 THE COURT: Okay. I also have before me what's marked as

1 Court's Exhibit Number 3, the plea agreement in this case, in the  
2 form of a letter dated December 6th, 2012 consisting of ten pages  
3 bearing original signatures on the back page as well as a  
4 statement of offense, which is marked as Court's Exhibit  
5 Number 2, consisting of ten pages bearing original signatures on  
6 the back page. Mr. Corkins, do you have your own copy of the  
7 plea agreement?

8 THE DEFENDANT: Yes.

9 THE COURT: Have you carefully read it?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand its terms?

12 THE DEFENDANT: Yes.

13 THE COURT: Have you discussed the plea agreement with  
14 your lawyer?

15 THE DEFENDANT: Yes.

16 THE COURT: Does this plea agreement represent the entire  
17 understanding that you have with the government?

18 THE DEFENDANT: Yes.

19 THE COURT: Has anyone given you any other or different  
20 assurance of any kind in order to try to get you to plead guilty  
21 in this case?

22 THE DEFENDANT: No.

23 THE COURT: Do you have any confusion or questions about  
24 the plea agreement at this point?

25 THE DEFENDANT: No.

1 THE COURT: I'm going to hold up the plea agreement in  
2 front of you now, it's marked as Court's Exhibit 3, and I'm going  
3 to turn to the back page and hold the back page up in front of  
4 you now. Can you see that back page?

5 THE DEFENDANT: Yes.

6 THE COURT: I'm pointing to a signature above the line  
7 marked Floyd L. Corkins II. Do you see that signature?

8 THE DEFENDANT: Yes.

9 THE COURT: Is that your signature?

10 THE DEFENDANT: Yes.

11 THE COURT: Did you sign your name to this plea agreement?

12 THE DEFENDANT: Yes.

13 THE COURT: Did you do that after having fully read and  
14 understood and agreed with its contents?

15 THE DEFENDANT: Yes.

16 THE COURT: I'm going to hold up Exhibit Number 2, the  
17 statement of offense, in front of you now as well, and I'm going  
18 to turn to the back page of that statement and hold that up in  
19 front of you, too.

20 Can you see that back page?

21 THE DEFENDANT: Yes.

22 THE COURT: My finger is pointing to a signature above the  
23 line marked Floyd Lee Corkins II. Do you see that signature?

24 THE DEFENDANT: Yes.

25 THE COURT: Is that your signature?

1 THE DEFENDANT: Yes.

2 THE COURT: Did you sign your name to this statement?

3 THE DEFENDANT: Yes.

4 THE COURT: Did you do that after having fully read and  
5 understood and agreed with its contents?

6 THE DEFENDANT: Yes.

7 THE COURT: As I understand it under the plea agreement,  
8 you are agreeing to plead guilty to the offenses of interstate  
9 transportation of a firearm and ammunition in violation of Title  
10 18 of the U.S. Code, section 924B as charged in Count 1; assault  
11 with intent to kill while armed in violation of D.C. Code  
12 Sections 22-401 and 4502 as charged in Count 2, and an act of  
13 terrorism while armed in violation of D.C. Code Sections 22-3152,  
14 3153, and 4502 as charged in Count 4.

15 Mr. Corkins, if I accept your guilty plea in this case,  
16 you could receive a maximum sentence of not more than ten years  
17 on Count 1 and not more than 30 years on each of Counts 2 and 4.  
18 Those terms of imprisonment could be imposed consecutively.  
19 Probation might not be available as a sentence. You would be  
20 subject to a mandatory minimum term of five years on each of  
21 Counts 2 and 4. You would be subject to a term of supervised  
22 release of not more than three years on Count 1 and a term of not  
23 more than five years on each of Counts 2 and 4.

24 Now, supervised release means that if you're sent to  
25 prison, then upon your release you'll be on supervision under

1 conditions and rules with which you must comply. If you violate  
2 any of those conditions, you could be sent back to prison for an  
3 additional period of time. Your guilty plea would also subject  
4 you to a maximum fine of \$250,000 on Count 1. You will also be  
5 required to pay a \$100 special assessment on Count 1, and pay  
6 between a \$100 and \$5,000 assessment to the Crime Victims  
7 Compensation Fund for each of Counts 2 and 4. You could be  
8 ordered or required to pay restitution to any victim or victims,  
9 and you could be ordered to forfeit certain property or  
10 contraband to the government.

11 Mr. Corkins, do you understand the maximum punishment you  
12 could face if you plead guilty?

13 THE DEFENDANT: Yes.

14 THE COURT: There are numerous factors, including  
15 guidelines, for judges to consider in determining the sentence in  
16 a criminal case. Sentencing Guidelines recommend specific  
17 sentencing ranges for specific offenses. Your criminal record,  
18 if you have one, and the nature of these offenses are some of the  
19 factors that may influence what your recommended sentencing  
20 ranges may be.

21 A probation officer will conduct a presentence  
22 investigation and submit a written report on those and other  
23 factors to me and to the attorneys. Your attorney will have to  
24 go over that report with you. Both sides' attorneys will have a  
25 chance to suggest changes to it or to object to portions of it.

1           At the time of sentencing, I will hear from both sides'  
2 attorneys and I will determine what your recommended sentencing  
3 guideline ranges are.

4           Once I do that, I have to consider sentences in those  
5 recommended ranges, possible departures from those ranges, and  
6 the other sentencing factors, but I can never sentence you to  
7 more than the maximum punishment which I explained to you a  
8 little earlier. Do you understand that?

9           THE DEFENDANT: Yes.

10          THE COURT: Now, have you and your attorney talked about  
11 the Sentencing Guidelines for the federal court and the  
12 Sentencing Guidelines for the District of Columbia courts and how  
13 they might apply to your case?

14          THE DEFENDANT: Yes.

15          THE COURT: All right. Mr. Corkins, I would like you to  
16 tell me in your own words how much prison time you think you  
17 would face under the Sentencing Guidelines. If you want to tell  
18 me first about the federal ones, you may do that, and then if you  
19 want to tell me about the D.C. voluntary ones, you may do that.

20          THE DEFENDANT: Um, from what I understand, it should be  
21 15 years.

22          THE COURT: All right. Did you hear any reference -- Mr.  
23 Bos, did you want to confer for a moment?

24          MR. BOS: Well, Your Honor, if I could just for a moment.  
25 I think that Mr. Corkins responded to the Court's question as to

1 each count, and I think that would be the smoothest way to  
2 identify the issues.

3 THE COURT: Okay. You faded out a little bit, but if you  
4 want to confer a little bit, go right ahead.

5 (Discussion had off the record between attorney and  
6 client.)

7 MR. BOS: Just for the record, we have reviewed the  
8 guideline range for Mr. Corkins --

9 THE COURT: Pull the mic up.

10 MR. BOS: -- and he is prepared to address the Court  
11 directly about the guideline range.

12 THE COURT: All right. Mr. Corkins, have you had enough  
13 time to talk with your lawyer about the questions that I asked  
14 you.

15 THE DEFENDANT: Yes.

16 THE COURT: All right. Let me just ask you to tell me in  
17 your own words. Let's focus first on Count 1. That's the  
18 federal firearms count. How much time do you think you might be  
19 exposed to under the Federal Sentencing Guidelines on Count 1?  
20 Do you know?

21 THE DEFENDANT: Ten years. The guideline is 120 months.

22 THE COURT: All right. What's your understanding about  
23 how much prison time you think you could face under Count 2, the  
24 D.C. code offense?

25 THE DEFENDANT: Five to 30 years; the guideline range is

1 90 to 180 days -- months.

2 THE COURT: Do you need to supplement that in any way?

3 MR. BOS: 180 months, Your Honor.

4 THE COURT: Okay. Mr. Martin, do you need to supplement  
5 that in any way?

6 MR. MARTIN: No, Your Honor.

7 THE COURT: All right. Mr. Corkins, I will not be able to  
8 determine the recommended guideline sentencing ranges for your  
9 case until after the presentence report has been completed and  
10 after you and your lawyer and the government have had an  
11 opportunity to object to any facts or conclusions drawn by the  
12 probation officer. Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: Indeed, the report may show, for example, that  
15 your criminal record or your role in these offenses is greater  
16 than it appears now and that your recommended guideline range  
17 could expose you to up to the statutory maximum of 10 years or  
18 120 months on Count 1 and 30 years on each of Counts 2 and 4; not  
19 just the 120 months and 180 months that you heard about. Do you  
20 understand?

21 THE DEFENDANT: Yes.

22 THE COURT: And the sentence imposed may be much higher  
23 than any estimate that your attorney or the government has made  
24 so far. Do you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: Indeed, it could be as high as ten years as  
2 Count 1 and 30 years on each of Counts 2 and 4. Do you  
3 understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: After I've decided what guideline range is  
6 recommended for your case, I may still have the authority to  
7 impose a sentence that's more severe or less severe than the  
8 sentence called for by the guidelines. Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: The government may have the right, just like  
11 you do, to appeal any improper sentence that I impose. Do you  
12 understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: Parole has been abolished, and if you are  
15 sentenced to prison, you will serve the sentence that I impose  
16 and you will not be released early on parole as used to be the  
17 case.

18 You may be subject to a possible reduction of your prison  
19 term for good time of up to 54 days a year.

20 Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: Now, the offenses to which you are proposing  
23 to plead guilty are felony offenses. Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: If you plead guilty and I accept your plea and

1 find you guilty of a felony, then that finding may deprive you of  
2 valuable civil rights such as the right to vote, the right to  
3 hold public office, the right to serve on a jury, the right to  
4 possess any kind of firearm, and the right to be free from  
5 collection of DNA samples from you. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Under this plea agreement, you are giving up  
8 your right to appeal your sentence unless it is higher than the  
9 law allows or departs upward from the Sentencing Guidelines  
10 applicable to Count 1. Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: If the proper guideline range is higher than  
13 expected, as I warned you it could be, or the sentence is more  
14 severe than you expected or that the lawyers ask for, you would  
15 still be bound by your guilty plea and you would not have a right  
16 to withdraw that guilty plea. Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: If I do not accept any sentencing  
19 recommendations that are made by the lawyers at sentencing, you  
20 will still be bound by your guilty plea and you will not have a  
21 right to withdraw it. Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: Has anyone at all promised or suggested to you  
24 that I will give you a lighter sentence just because you are  
25 pleading guilty?

1 THE DEFENDANT: No.

2 THE COURT: Has anyone made any promises to you as to what  
3 sentence I will impose in this case if I accept your proposed  
4 guilty plea?

5 THE DEFENDANT: No.

6 THE COURT: At this time I don't know what sentence I'll  
7 impose in your case because I've not yet heard from the lawyers  
8 or the probation office. Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: Has anyone made any promises to you in  
11 connection with your proposed guilty plea other than those  
12 contained in the plea agreement?

13 THE DEFENDANT: No.

14 THE COURT: Mr. Corkins, is there anything that you do not  
15 understand about this proceeding or about your proposed plea in  
16 this case?

17 THE DEFENDANT: No.

18 THE COURT: Is there anything that you want to ask me or  
19 ask your lawyer before you make a decision about whether you want  
20 to plead guilty or to go trial?

21 THE DEFENDANT: No.

22 THE COURT: Are you ready now to make a decision about  
23 whether you want to enter pleas of guilty or whether you want to  
24 go to trial?

25 THE DEFENDANT: Yes.

1 THE COURT: How do you plead to Count 1?

2 THE DEFENDANT: Guilty.

3 THE COURT: How do you plead to Count 2?

4 THE DEFENDANT: Guilty.

5 THE COURT: How do you plead to Count 4?

6 THE DEFENDANT: Guilty.

7 THE COURT: Mr. Corkins, are you pleading guilty  
8 voluntarily and of your own free will?

9 THE DEFENDANT: Yes.

10 THE COURT: Has anyone forced you or threatened you or  
11 coerced you in any way into entering this plea of guilty?

12 THE DEFENDANT: No.

13 THE COURT: Are you pleading guilty because you are guilty  
14 and for no other reason?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. I'm satisfied that Mr. Corkins is  
17 fully competent and capable of making a decision today, that he  
18 understands the nature and consequences of what he's doing, that  
19 he's acting voluntarily and of his on free will, and that there  
20 is an adequate factual basis for his plea. I, therefore, accept  
21 his guilty plea.

22 All right. Counsel, we'll go ahead and order a  
23 presentence investigation. Let me ask if you all are free to  
24 come back on April 29th for sentencing?

25 MR. BOS: Your Honor, I have a matter at 10:30 that I will

1 expect to take about a half an hour, so I would be free any time  
2 after that.

3 MR. MARTIN: And the government is free, Your Honor.

4 THE COURT: How about 11:30?

5 MR. BOS: That's fine.

6 MR. MARTIN: That's fine.

7 THE COURT: All right. We'll set sentencing then for  
8 Monday, April 29th, 2013 at 11:30 a.m. We'll order a presentence  
9 investigation. I'll order that the final presentence report be  
10 due no later than April 12th, 2013, and I'll order that all  
11 sentencing memoranda and motions be due no later than April 19th,  
12 2013.

13 All right, counsel, are there any other matters that we  
14 need to take up?

15 MR. BOS: Not on behalf of Mr. Corkins.

16 MR. MARTIN: Not for the government, Your Honor. Thank  
17 you.

18 THE COURT: All right. Thank you very much. You may be  
19 excused, and we'll see you back on April 29th.

20 (Proceedings adjourned at 10:21 a.m.)  
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C E R T I F I C A T E

I, Scott L. Wallace, RDR-CRR, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

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Scott L. Wallace, RDR, CRR  
Official Court Reporter

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Date